IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	**8:10CR24**
vs.	)	**ORDER**
WAYNE KELSEY, JR.,	)	
Defendant.	)	

Defendant Wayne Kelsey, Jr. (Kelsey) appeared before the court on December 7, 2012, on the Second Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 102). Kelsey was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Kelsey waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Kelsey should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Kelsey declined to present any evidence or request a hearing on the issue of detention. Since it is Kelsey's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Kelsey has failed to carry his burden and that Kelsey should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on January 3, 2013**. Defendant must be present in person.

2. Defendant Wayne Kelsey, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7th day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge